

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte JAMES G. WHAYNE and SIDNEY D. FLEISCHMAN

MAILED

MAY 27 2005

PAT. & T.M. OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

Application No. 09/507,613

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences on April 8, 2005. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below.

Information Disclosure Statements (IDS) were filed on July 17, 2000 and June 29, 2001. It appears that the PTO-1449 forms from each disclosure statement are missing from the record. It is not clear whether the examiner considered the IDSs submitted or whether the examiner notified appellants of why their submissions did not meet the criteria set forth in 37 CFR §§ 1.97 and 1.98. Before further review, properly considered PTO-1449

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forms from the July 17, 2000, and June 29, 2001 IDSs must be of record in the Image File Wrapper (IFW).

Accordingly, it is

ORDERED that this application be returned to the examiner for: 1) entry and/or consideration of the Information Disclosure Statements filed July 17, 2000 and June 29, 2001; 2) written notification by the examiner to appellants of such considerations; and 3) for such further action as may be appropriate.

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By: 

Kimberly Jordan
Program and Resource Administrator
(571)272-9797

cc: Henricks Slavin and Holmes LLP
Suite 200
840 Apollo Street
El Segundo, CA 90245

KJ/tdl